IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTY FIRST DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And

THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 24609 of 2004

Between:

Dr. C.H. Swaroopa Rani, W/o. Dr. Purushotham, Civil Assistant Surgeon, District Head Quarters Hospital, Mahaboobnagar, R/o. 8-3-17/1, Padmavathi Colony, Mettuguda, Mahaboobnagar.

..... PETITIONER

AND

1. The State of A.P., represented by its Principal Secretary to Government, Medical and Health Department, Secretariat, Hyderabad.
2. The Commissioner, A.P. Vidya Vidhana Parishad, Hyderabad.
3. The District Co-Ordinator of Hospital Services, Mahaboobnagar.
4. The Hospital Superintendent, District Head Quarters Hospital Mahaboobnagar.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of a writ of mandamus declaring the order passed O.A.2338/2004 dt. 9.12.2004 on the file of the Hon'ble A.P. Administrative Tribunal and the orders in Rc.No.DG-Peshi/20629/2003 dt. 30.11.2003 by the 2nd respondent, transferring the petitioner from District Head Quarters Hospital, Mahaboobnagar to District Head Quarters Hospital, Adilabad on

administrative grounds as illegal, arbitrary, discriminatory and against the principles of natural justice and to pass such other order or orders.

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondents: GP FOR SERVICES-I

The Court made the following:

ORAL ORDER: (per GB.J.)

The Writ Petition is filed assailing the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.2338 of 2004, dated 9.12.2004.

2. The applicant filed the above OA before the Tribunal challenging the order of her transfer dated 30.11.2003 transferring her from Mahabubnagar to Adilabad.

3. The prime contention raised by the learned counsel for the petitioner is that the transfer order is *mala fide* and the petitioner was being subjected to harassment in the hands of the vested interest developed by the Medical Officers at Mahabubnagar, who were working there for more than 1.1/2 decades and the Tribunal has not considered this aspect and dismissed the O.A. Against the said order, the present Writ Petition has been filed.

4. The learned Government Pleader for Services-I submits that the transfer of petitioner was made purely on administrative grounds and since in the enquiry it was found that the petitioner did not attend the patient properly, it was decided to transfer her on administrative grounds, and such an order cannot be said to be either illegal or contrary to law.

5. We have heard the learned counsel for the petitioner and the learned Government Pleader.

6. Inasmuch as the order of transfer was passed on 30.11.2003 and there was no order of suspension of the transfer order, we find it that it is not appropriate to decide the matter on merits. Even though the learned counsel for the petitioner has referred to a decision of the Supreme Court and also the counter filed by the respondents to contend that the order is wholly not sustainable as it

is tainted with *mala fides* and stigmatic, we are not prepared to accept the said contention for the reasons stated above. The learned counsel also submits that the transferring petitioner from Mahabubnagar to Adilabad would cause great inconvenience to her, as she has to take care of the education of her children, who are studying at Hyderabad.

7. Under these circumstances we dispose of the Writ Petition with a direction that the petitioner shall file a representation before the 2nd respondent within a period of two (02) weeks from today requesting for appropriate transfer to the nearby place and the same shall be disposed of the 2nd respondent within a period of two (02) weeks thereafter. No costs.

G.BIKSHAPATHY, J.

31st January, 2005.

P.S.NARAYANA, J.

SSR

Issue copy in two days.

(BO)

..... REGISTRAR

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SECTION OFFICER

To

1. The Principal Secretary to Government, Medical and Health Department, State of A.P., Secretariat, Hyderabad.
2. The Commissioner, A.P. Vidya Vidhana Parishad, Hyderabad.
3. The District Co-Ordinator of Hospital Services, Mahaboobnagar.

4. The Hospital Superintendent, District Head Quarters Hospital Mahaboobnagar.

5 The Registrar, A.P. Administrative Tribunal, Hyderabad.

6 2 CCs to G.P. for Services-I, High Court of A.P. Hyderabad. (OUT)

7 2 CD copies.